

ORDINANCE NO. 2020-34

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Table 18.09.020 and Sections 18.09.030.G and 18.30.020 of the Bainbridge Island Municipal Code related to prohibiting new self-service storage facilities and adding provisions for expansion of existing self-service storage facilities.

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, self-service storage facilities are currently a permitted use in the Business/Industrial (B/I) and a conditional use in Neighborhood Center (NC) districts within the City; and

WHEREAS, only 109.23 acres of land on Bainbridge Island are within the B/I district, which constitutes 0.63% of the total acreage of land on Bainbridge Island; and

WHEREAS, Policy 1.5 of the Economic Element of the City’s Comprehensive Plan states that “[i]n order to provide opportunities for business enterprise, adequate space must be provided for efficient use of existing developed areas near public transportation (e.g., ferry, bus service) and for growth that recognizes and protects the Island’s valued natural amenities, its limits of land and water and the quality of its residential neighborhoods”; and

WHEREAS, given the limited amount of land within the B/I district, the City Council has a significant interest in ensuring that the use of such land provides the best opportunities for business enterprise within the City; and

WHEREAS, the City Council has significant concerns regarding further development of self-service storage facilities within the B/I district under current regulations in the context of the vision and goals of the City’s Comprehensive Plan; and

WHEREAS, the City Council has significant concerns regarding whether self-service storage facilities create family wage jobs as compared to other possible permitted uses within the B/I district; and

WHEREAS, the City Council has similar concerns regarding self-service storage facilities located in the NC district as it does with such facilities located in the B/I district; and

WHEREAS, the City Council has concerns that self-service storage uses contribute to climate change; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

WHEREAS, on November 26, 2019, the City Council approved Ordinance No. 2019-40 imposing a temporary six-month moratorium on the acceptance of building permit or land use permit applications for new self-service storage facilities in the B/I NC zoning districts; and

WHEREAS, on May 12, 2020, the City Council conducted a public hearing and adopted Ordinance No. 2020-12 extending the self-service storage moratorium for six months, to November 26, 2020; and

WHEREAS, on September 8, 2020, in accordance with the work plan approved with Ordinance No. 2020-12, City staff presented to the City Council their research on the City's existing self-service storage facilities and how this use is regulated in other west Puget Sound jurisdictions; and

WHEREAS, the research showed that the existing self-service storage facilities on Bainbridge Island directly employ an average of approximately 1-2 persons and that the average amount of self-service storage used by residents (not businesses) of 9 square feet per person exceeds the national average of 5.4 square feet per person (Self-Storage Almanac, 2019); and

WHEREAS, after discussing the information presented by staff, the City Council directed staff to begin work on an ordinance to prohibit new self-service storage facilities and allow for expansion of existing self-service storage facilities; and

WHEREAS, the Planning Commission discussed the topic of self-service storage facilities on September 24, 2020 and October 8, 2020; and

WHEREAS, on October 8, 2020, the Planning Commission set a public hearing for Ordinance No. 2020-34 on October 29, 2020; and

WHEREAS, on October 27, 2020, the City Council considered scheduling the adoption of Ordinance No. 2020-34 for a future meeting in anticipation of the public hearing that the Planning Commission scheduled for October 29, 2020; and

WHEREAS, also on October 27, 2020, the City Council adopted a motion to forward Ordinance No. 2020-34 to the November 10, 2020 City Council meeting for further consideration, and to include a Whereas clause related to climate change; and

WHEREAS, anticipating that the adoption of Ordinance No. 2020-34 may not occur on November 10, 2020, the City Council conducted a public hearing on another ordinance, Ordinance No. 2020-36, on November 10, 2020 related to extending the self-service storage moratorium, and the Council, after that public hearing, thereby extended the moratorium for six months, or until May 26, 2021; and

WHEREAS, after conducting a public hearing on October 29, 2020, the Planning Commission recommended approval of Ordinance No. 2020-34, with minor revisions, to the City Council; and

WHEREAS, City staff completed the SEPA comment and appeal period on Ordinance No. 2020-34 before returning the ordinance to the City Council for consideration of adoption; and

WHEREAS, notice on Ordinance No. 2020-34 was given on November 4, 2020, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance No. 2020-34 at its meeting on December 8, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Section 18.09.030.G of the Bainbridge Island Municipal Code is hereby amended to delete the following text:

~~4. Self-Service Storage Facilities. In the NC district, self-service storage facilities are a permitted (“P”) use; provided, that no outdoor storage is visible from abutting properties and public rights-of-way.~~

Section 3. Section 18.30.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

A nonconforming use of land may be continued; provided, that:

A. The use is not enlarged, increased, or extended to occupy a greater area of land or structure than was occupied on the date of adoption of this code; except self-service storage facilities in existence prior to the effective date of Ordinance No. 2020-34 may expand up to the current allowed lot coverage. This expansion would be subject to all other required permits and standards of the BIMC, including requiring a site plan and design review, if applicable; and

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED by the City Council this 8th day of December, 2020.

APPROVED by the Mayor this 8th day of December, 2020.



Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	December 4, 2020
PASSED BY THE CITY COUNCIL:	December 8, 2020
PUBLISHED:	December 11, 2020
EFFECTIVE DATE:	December 16, 2020
ORDINANCE NUMBER:	2020-34

Attached: Exhibit A

EXHIBIT A

Excerpt Table 18.09.020 Use Table

"P" = Permitted Use		"A" = Accessory Use										Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties							
"C" = Conditional Use		"CA" = Conditional Accessory Use																	
Blank = Prohibited Use		"T" = Temporary Use																	
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center				HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]				
Warehouse and Freight Movement																			
Self-Service Storage Facility																	C	P	G-4 <u>18.30.020</u>